

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of E.L.T., K.B.F., and S.A.F., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANE WALLS,

Respondent-Appellant,

and

ERIC LYNN TOWERS and JASON FLETCHER,

Respondents.

UNPUBLISHED

March 18, 2003

No. 243213

Jackson Circuit Court

Family Division

LC No. 98-086426-NA

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(i), (j), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that respondent-appellant's parental rights to another of her children were terminated as a result of serious neglect. The evidence also demonstrated that respondent-appellant physically abused E.L.T. by beating his forearms with a belt. The twins, K.B.F. and S.A.F., were born shortly after E.L.T. was made a temporary ward. A meconium test on one of the twins revealed the presence of THC. Given respondent-appellant's extensive history with the FIA and her inability to rehabilitate, the trial court correctly determined that respondent-appellant posed a risk of harm to her children.

Additionally, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent-appellant had shown

some initiative by voluntarily taking parenting classes and submitting to drug screens, and had also visited consistently with the children, the trial court was correct in finding that termination was appropriate. Respondent-appellant had given birth to five children over the course of several years and demonstrated an inability to care for any of them. The FIA worker testified that respondent would not have likely benefitted from parenting classes because there was no guarantee that she would practice what she was taught. The children were entitled to permanency and stability. Therefore, the trial court did not err in terminating respondent-appellant's parental rights to these children.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage